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**ORDINANCE NO. 2007 - \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, CREATING CHAPTER 2, ARTICLE IV, LAKE COUNTY CODE, ENTITLED LOBBYING; CREATING SECTION 2-61, ENTITLED TITLE AND PURPOSE; CREATING SECTION 2-62, ENTITLED DEFINITIONS; CREATING SECTION 2-63, ENTITLED LOBBYIST REGISTRATION; CREATING SECTION 2-64, ENTITLED EXCEPTIONS; CREATING SECTION 2-65, ENTITLED ENFORCEMENT; CREATING SECTION 2-66, ENTITLED PENALTIES; CREATING SECTION 2-67, ENTITLED VALIDITY OF ACTION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners finds that requiring lobbyists to register when contacting County Commissioners and certain County employees will provide transparency to the decision making process; and

**WHEREAS**, the Board of County Commissioners finds that requiring lobbyists to register when contacting County Commissioners and certain County employees will help guard against unethical behavior by making conflicts of interest more readily apparent; and

**WHEREAS**, the Board of County Commissioners finds that requiring lobbyists to register when contacting County Commissioners and certain County employees will allow Commissioners to satisfy the highest ethical standards; and

**WHEREAS**, the Board of County Commissioners finds that requiring lobbyists to register when contacting County Commissioners and certain County employees will protect the general welfare of the citizens of Lake County, Florida.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, as follows:

**Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Creation.** Chapter 2, Article IV, Sections 2-61 through 2-67, Lake County Code, entitled Lobbying, is created to read as follows:

**Sec. 2-61. Title and Purpose.**

This article shall be known as the Lake County Lobbyist Registration Ordinance. The purpose of this article is to ensure that a permanent record is kept of any contact by a lobbyist and a County Commissioner, a Department Director, a Division Director, any employee in the County Attorney's Office, or any employee in the County Manager's Office regarding matters that may come before the Board of County Commissioners for vote or upon matters that may require administrative action by Lake County.

**Sec. 2-62. Definitions.**

The following words, terms and phrases, when used in this Article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Lobbyist means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal. Further, lobbyist means an employee of a principal when governmental relations, acting as a governmental liaison, or communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a County official, County employee or any other person affiliated with the County while acting in his or her official capacity.
- (2) Lobbying means any communication either directly or indirectly, in person, or by any other means, with any County Commissioner, Department Director, Division Director, employee in the County Attorney's Office, or employee in the County Manager's Office which seeks to influence the actions of any County Commissioner, advisory board member, or County employee.
- (3) Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.
- (4) Principal means the person, partnership, joint venture, trust, association, corporation, governmental entity, or other entity which has contracted for, employed, retained or otherwise engaged the services of a lobbyist.
- (5) Compensation means any payment received or to be received by a lobbyist for the performance of lobbying activities. The compensation may be a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

**Sec. 2-63. Lobbyist Registration.**

All lobbyists shall register by signing, at each time of lobbying, on lobbyist logs maintained and available in each County Office. The lobbyist or other person shall provide his or her name and business address; the name and business address of each principal represented in the course of the particular contact; the topic of the lobbying contact; and the name of each person contacted.

1 Each County Office shall submit a copy of its lobbyist log to the County Attorney's Office no  
2 later than the fifth (5<sup>th</sup>) of each month. In the event that a lobbyist engages in lobbying which is  
3 initiated outside of County offices, including contact initiated by email, telephone, or written  
4 means, the lobbyist shall provide the information required above to the County Attorney's Office  
5 within seven (7) calendar days of such lobbying.

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7 **Sec. 2-64. Exceptions.**

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9 The following persons shall not be required to register as lobbyists:

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11 (1) An elected official or government employee acting in his official capacity or in  
12 connection with his job responsibilities.

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14 (2) A person who appears at the specific request or under compulsion of the  
15 commission, board or staff member.

16  
17 (3) Expert witnesses or other persons who give testimony about a particular matter or  
18 measure but do not advocate passage or defeat of the matter or measure or any amendment  
19 thereto.

20  
21 (4) Any person who appears at a public hearing or administrative proceeding or  
22 quasi-judicial proceeding before the County Commission, and has no other communication on  
23 the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.

24  
25 (5) Any person in contractual privity with the County who appears only in his or her  
26 official capacity.

27  
28 (6) Any person who lobbies only in his or her individual capacity for the purpose of  
29 self-representation.

30  
31 (7) Law enforcement personnel conducting an investigation.

32  
33 **Sec. 2-65. Enforcement.**

34  
35 If a County Code Enforcement Officer is informed of any person engaged in lobbying activities  
36 who has failed to comply with the requirements of this article, he or she shall conduct an  
37 investigation as deemed necessary under the circumstances. In the event the County Code  
38 Enforcement Officer determines that a violation has occurred based on the results of the  
39 investigation, the following enforcement procedures shall apply:

40  
41 (1) A notice of violation shall be transmitted to the person indicating the nature of the  
42 violation and the penalty imposed. The lobbyist shall have up to thirty (30) days  
43 after the date of the notice to seek appeal of the penalty. In the event the lobbyist  
44 fails to submit an appeal in writing to the Code Enforcement Officer within thirty  
45 (30) days of the date of such notice, the violation shall be deemed final, and the  
46 penalty imposed shall be effective immediately. If the lobbyist contests the

violation, the matter shall be referred to the Lake County Code Enforcement Special Master for hearing.

- (2) If a County Code Enforcement Officer is informed that a person who has been prohibited from lobbying because of a violation of this article is engaged in lobbying, the County Code Enforcement Officer shall contact the State Attorney's Office and refer the matter for prosecution.

**Sec 2-66. Penalties.**

Violations of this article shall be punishable as follows:

- (1) Failing to properly provide lobbying contact information as required by this article for the first violation shall result in the issuance of a warning.
- (2) Failure to properly provide lobbying contact information as required by this article for each occasion after a warning has been issued shall be punishable by a fine of two hundred fifty dollars (\$250.00) for each violation.
- (3) Any person who violates the provisions of this article more than once during a twelve-month period shall be prohibited from lobbying as follows:
- (a) a second violation within a 12 month period shall result in a prohibition of one (1) year;
- (b) a third violation within a 12 month period shall result in a prohibition of two (2) years.
- (4) Any person who violates the provisions of this article while suspended from lobbying by this section shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed \$500.00 or by imprisonment in the Lake County Jail not to exceed 60 days or by both such fine and imprisonment.

**Sec. 2-67. Validity of Action.**

The validity of any action or determination of the Board of County Commissioners or staff shall not be affected by the failure of any person to comply with the provisions of this article.

**Sec. 2-68 to 2-80. Reserved.**

**Section 3. Inclusion in Code.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

**Section 4. Severability.** If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

**Section 5. Effective Date.** This ordinance shall become effective on October 15, 2007.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Filed with the Secretary of State \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Effective \_\_\_\_\_ day of \_\_\_\_\_, 2007.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Welton G. Cadwell, Chairman

ATTEST:

This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
James C. Watkins, Clerk of the  
Board of County Commissioners  
of Lake County, Florida

Approved as to form and legality:

\_\_\_\_\_  
Sanford A. Minkoff  
County Attorney